IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 33116 of 2006(P)

AGAINST THE ORDER IN IA.1013/2006 IN AS.50/2006 of SUB COURT, OTTAPPALAM
.....

PETITIONER:

P.ABDUL KHADER, S/O.PAKKEERKUTTY ROWTHER, PENSIONER, RESIDING AT PADIPPURAKKATTIL," ASHIYANA", 11/799 FORT MAIDAN WEST, PALAKKAD-678 001.

BY ADV. SRI.K.JAYAKUMAR
SRI.P.B.KRISHNAN

RESPONDENTS:

JAMAL, S/O.PADIPPURAKKATTIL DECEASED PAKKEERKUTTY, FARMER, VENGASSERY AMSOM AND DESOM, OTTAPPALAM TALUK.

BY ADV. SRI.SANTHEEP ANKARATH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT. P1 **TRUE COPY OF THE PLAN DATED NIL.**

EXT.P2 **TRUE COPY OF THE REPORT TOGETHER WITH SKETCH SUBMITTED BY THE COMMISSIONER DTD.3.1.04.**

EXT.P3 **TRUE COPY OF THE JUDGMENT IN OS 507/03 OF MUNSIFF COURT, OTTAPPALAM DATED 28.3.06.**

EXT.P4 **TRUE COPY OF THE JUDGMENT OF THIS COURT IN WPC 32478/04 DTD.20.12.05.**

EXT.P5 **TRUE COPY OF THE APPLICATION IA 1013/06 IN AS 50/06 SUB COURT, OTTAPPALAM DATED NIL.**

EXT.P6 **TRUE COPY OF THE ORDER IN IA 1013/06 IN AS 50/06 OF SUB COURT, OTTAPPALAM DATED 21.8.06.**

[True copy]

P.A. to Judge.

M.N. KRISHNAN, J.

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W.P.C. NO. 33116 OF 2006

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Dated this the 27th day of July, 2007.

J U D G M E N T

This writ petition is filed challenging the order of the learned Subordinate Judge, Ottappalam in I.A.1013/06 in A.S.50/06. The said application was filed by the appellant in the appeal for an interim order of direction to the respondent to maintain status quo of the B schedule pathway and not to cause any obstruction to the appellant for using the same. The Court after considering all the materials dismissed the application disallowing the reliefs sought for. At this stage I do not want to enter into the factual matrix of the case under Article 227 of the Constitution of India, but there can be a direction to the Court below to dispose of the appeal itself as expeditiously as possible within a time frame of three

months, untramelled by the observations contained in the order passed by this Court or by the impugned order under challenge.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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